REMARKS

Claims 1-5 are currently pending in the application. As indicated above, Claim 1 has been amended. In the Office Action, the Examiner has rejected Claims 1-5 under 35 U.S.C. §102(e) as being anticipated by *Mittelstadt et al.* (U.S. 6,389,280 B1), and Claim 1 under 35 U.S.C. §112, second paragraph. Additionally, the Examiner has objected to the drawings.

With regard to the objection to the drawings, the Examiner asserts that the term "RECONIGITION MODULE" in FIG. 1, should read "RECOGNITION MODULE". According, a replacement FIG.1 has been enclosed herein, which includes the change as suggested by the Examiner.

With regard to the rejection of Claim 1 under 35 U.S.C. §112, second paragraph, the Examiner asserts that there is insufficient antecedent basis for the recitation "the pointer". As indicated above, Claim 1 has been amended. Further, it is respectfully submitted that the amendments to Claim 1 above overcome the rejection under 35 U.S.C. §112, second paragraph, and it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

As indicated above, the Examiner has rejected all independent claims, i.e., Claims 1-2 and 4-5, under 35 U.S.C. §102(e) as being anticipated by *Mittelstadt.* However, it is respectfully submitted that the Examiner is incorrect.

Each of the independent claims is directed to either a device or method for menu navigating. As such, each independent claim performs the navigation based upon the amount of time for which an input button is pressed. For example, as indicated above, Claim 1 recites a timer module for determining a time for which a directional button is pressed, and a pointer carrier for shifting a position of a pointer in response to said shift command, wherein said shift command directs said pointer carrier to shift said pointer to a next menu item if said determined time is less than a preset time, and said shift
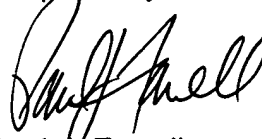
command directs said pointer carrier to shift said pointer to a next menu page if said determined time is greater than or equal to said preset time.

The Examiner cites the operations of the time-out logic 113 of *Mittelstadt*, as teaching this type of operation. However, the time-out logic 113 of *Mittelstadt* merely times a period during which an input can be received. If an input is not received in that time period, the unit refers to an existing configuration. The time-out logic 113 does not keep track of a time for which a button is being pressed, i.e., a duration of a signal, as is recited in the claims of the present invention. Therefore, it is respectfully submitted that Claims 1-2 and 4-5 are patentable over *Mittelstadt*, and it is respectfully requested that this rejection be withdrawn.

Based on the arguments and amendments presented above, it is respectfully submitted that independent Claims 1-2 and 4-5 are in condition for allowance. Without conceding the patentability per se of pending dependent Claim 3, it is likewise believed to be allowable by virtue of its dependence on independent Claim 2. Accordingly, reconsideration and withdrawal of the rejection of the dependent claim is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/las

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

-5-